

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

United States of America f/u/b/o Tip Top Construction Corp. v. CMGC Building Corp., et al.

Civil No. 2017-26

ORDER REGARDING CONFIDENTIAL MEDIATION POSITION PAPERS

This case has been scheduled for a mediation conference in the Magistrate Judge's Conference Room at the District Court in St. Croix. To effectuate this process, the parties themselves, their respective decision makers and/or the senior attorney for each of the parties is required to attend and must be prepared to discuss settlement or other disposition of the matter. The parties or counsel are directed to prepare and e-mail confidential position papers not longer than ten (10) pages to: miller_chambers@vid.uscourts.gov. The position papers should include a statement on motions presently filed in the case and their status.

In preparing your position paper, the most important thing to keep in mind is that the paper is being sent to the District Court **ONLY**. Your position paper will be kept confidential unless you consent to having it shown to opposing counsel.

You should assume that the mediator is familiar with the legal issues in the case. Therefore, you should devote most of your position statement to explaining your client's views on settlement. Can the dispute be settled for money? If so, what is your client's range? What other issues, if any, will have to be resolved in order to settle the case? What prior settlement discussions have been held, and what has been their outcome? What are the expected costs and fees to be expended in connection with trying the case? Is there any insurance coverage which relates to any of the claims in the case? Answers to these questions will be more valuable than a brief on the merits.

Of course, you may comment on the merits of your case, but even here the focus should be on how the merits may impact settlement. For example, does the case raise legal issues for your client that will impact beyond the present dispute? Which of your opponent's arguments do you regard as the most difficult to rebut?

Each party is responsible for submitting its position paper by the deadline provided in the Order Scheduling Mediation Conference. Finally, if you have any questions about your position paper, feel free to contact my chambers at (340) 774-5480.

Dated: October 26, 2023

S_____
RUTH MILLER
United States Magistrate Judge